

REMARKS/ARGUMENTS

Claims 1, 3-5, and 7-12 remain in this application. Claim 1 has been amended.

The Examiner has rejected all of the claims in this application under 35 U.S.C. §103(a) as obvious over US Patent Publication No. 2002/0103724 (Huxter), in view of US Patent Publication No. 2004/0133446 by Myrick et al. (Myrick), as supported by the Provisional Application No. 60/423,045. The Applicant respectfully requests favorable reconsideration of this rejection for the reasons set out below.

The Examiner has taken the position that "Huxter fails to disclose selecting the preferred redirection location prior to the delivery" (see pg. 2, 2nd par. of Office Action). The Examiner has taken the position that Myrick teaches this limitation.

The Applicant concedes that Myrick discloses selecting a preferred redirection location prior to the delivery. In fact, the Applicant conceded that Huxter teaches this limitation in the Applicant's previous response. Consequently, Myrick does not add any relevant disclosure. What Huxter and Myrick do not teach is the limitation of permitting the recipient to change the delivery location to an alternative redirection location after a failed delivery attempt. Claim 1 has been amended to further clarify that the recipient's response which changes the location to the alternative redirection location occurs after a failed delivery.

In other words, the primary delivery location and the preferred redirection location recited in claim 1 are pre-selected by the recipient prior to a delivery attempt. The alternative redirection location is selected by the recipient in a response to a notification of a failed delivery attempt. The response changing the location to the alternative redirection location takes place after the failed delivery attempt.

The advantage of the claimed invention is that it allows the recipient to change the redirection location "on the fly" if the preferred redirection location selected by the recipient prior to the delivery attempt no longer suits the recipient.

The above issue was the main focus of the discussion between the undersigned and the Examiner in the interview which took place on December 5, 2007. In the interview, the Examiner agreed with the undersigned that Huxter does not teach permitting the recipient to change the location to an alternative redirection location in the recipient's response to the failed delivery notification. However, in the Office Action (see top of pg. 3), the Examiner has, for some reason, taken the opposite position. If there is some misunderstanding regarding the Examiner's position, the Examiner is invited to telephone the undersigned at the number below to discuss this matter.

In support of the Examiner's position regarding the disclosure of Huxter, the Examiner cites a number of paragraphs and figures (see bottom paragraph of pg. 2 and top paragraph of pg. 3 of Office Action). These are the same passages cited by the Examiner in the last office action. All of these were addressed by the undersigned at the interview, and in writing in the previous response. However, for completeness, the Applicant has once again addressed each of the passages and figures of Huxter cited by the Examiner below.

With respect to box 340 in Figure 10A, the box states "application server sends message to delivery company confirming successful delivery". Consequently, Box 340 clearly refers to notification of a successful delivery (i.e. recipient receives parcel). There would be no point for the recipient to select an alternative redirection location after he/she received the parcel. Claim 1 clearly recites communicating the notification to the recipient only if the delivery to the primary location fails. It should be noted that box 340 is not described anywhere in the written description of Huxter.

Paragraph 17 of Huxter states "...upon receipt of the package by the automated collection point, the customer will automatically be sent a message

containing notification of delivery." [emphasis added]. Again, this passage clearly refers to a notification of a successful delivery. This is clearly different from the notification of an upcoming delivery in the event of a failed delivery attempt, as recited in claim 1. Again, there would be no point to changing the delivery location to an alternative redirection location after the recipient has already received the parcel.

With respect to paragraph 189, this paragraph teaches sending a failed delivery message to an application server. However, there is no disclosure of a notification of an upcoming delivery to another location (recited in claim 1). In addition, claim 1 recites that the notification is directed to the recipient rather than an application server.

Paragraph 203 of Huxter teaches sending an order expired message to the customer. Again, there is no disclosure of an upcoming delivery to any kind of redirection location.

With respect to box 109 in Figure 8, this box says nothing other than the customer can build a list of preferred alternate collection points to be used for deliveries. Box 109 contains no disclosure of notifying the recipient of a failed delivery or the ability by the recipient to reply by providing an alternate redirection location. At the interview, the undersigned referred the Examiner to paragraph 174 and 175 which describes the process illustrated in Figure 8. The first sentence of paragraph 174 clearly describes a process by which the customer registers with the parcel delivery system. It is clear that customer registration (and therefore the selection of any redirection locations) must occur prior to any delivery attempt. Accordingly, Figure 8 does not disclose any method or process which relates to notification following a failed delivery attempt, or any responses to such notification which permits the recipient to change the delivery location to an alternative redirection location selected after a failed delivery.

With respect to Figure 40, this figure does disclose delivery of a parcel to a redirection location in the event of a failed delivery at a primary location. However,

the redirection location selected in Figure 40 is provided by the customer during registration (and therefore prior to any delivery attempt). Accordingly, there is no disclosure of communicating a notification of a failed delivery to the recipient (as recited in claim 1). In addition, there is no disclosure of the ability to select an alternative redirection location after a failed delivery. The disclosure of Figure 40 is consistent with other parts of Huxter. Specifically, all redirection locations are selected during registration. Consequently, there is no need in the Huxter method to notify the customer of a failed delivery to the primary location. The system of Huxter simply automatically selects the preferred redirection location from the customer details stored on its server.

With respect to paragraphs 249 and 250, paragraph 249 also teaches that a recipient may elect to have the parcel delivered to an alternative location. However, the last sentence at the bottom of the left column of page 16 reads as follows:

Such instructions are established by the customer as part of registration

This sentence makes it clear that the redirection location is established by the customer as part of registration. As discussed above, registration, by definition, takes place prior to the delivery attempt.

Paragraph 250 also discusses redirecting the parcel to an alternative location in the event of a failed delivery. However, this paragraph does not disclose notifying the recipient of the failed delivery. There is also no disclosure of the ability for the recipient to respond to a failed delivery notification by changing the redirection location.

Conclusion

In light of the above, the Applicant respectfully submits that Huxter and Myrick, alone or in combination, do not teach every limitation recited in claim 1. In particular, neither Huxter nor Myrick teach changing the delivery location of the parcel to an alternative redirection location after a failed delivery. Accordingly, claim 1 is

allowable. Because the remaining claims depend from an allowable base claim, the Applicant respectfully submits that the remaining claims are also allowable.

Applicant requests that timely notice of allowance be issued in the case.

Respectfully submitted,

BERESKIN & PARR

By



Victor Krichker
Reg. No. 50,198
Tel: (416) 957-1699